

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD,
Petitioners

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00557

Patent 12,051,444

REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

	Page
A. “master timecode generator” and “master timecodes”	1
B. “locally generated audio” & “local audio device wearable by a creator of said locally generated audio”	3
C. “local audio device wearable by a creator of said locally...”	5

TABLE OF AUTHORITIES

Page(s)

Cases

Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.,
326 F.3d 1215 (Fed. Cir. 2003) 4

Other Authorities

U.S. Patent 5,479,351 (Ex. 1004) 2, 3
U.S. Patent 6,825,875 (Ex. 1003) 1, 2, 3, 4, 5
U.S. Patent 12,051,444 (Ex. 1001) 3, 4

Pursuant to the Board’s July 23, 2025 Order, Petitioners RØDE Microphones, LLC and Freedman Electronics Pty Ltd (“RØDE” or “Petitioners”) submit this Reply to Zaxcom, Inc.’s (“Zaxcom’s”) Patent Owner’s Preliminary Response. Given space constraints, at this time RØDE does not present claim constructions as the elements are taught even under Zaxcom’s constructions. RØDE does not acquiesce to Patent Owner’s constructions and expressly reserves the right to present and apply its own constructions should this case be instituted.

A. “master timecode generator” and “master timecodes”

As explained in the Petition with respect to Element 1[A], the recording units 105-108 of Strub can transmit their audio to other recording units. Pet., 33. Therefore, one of Strub’s recording units is the “remote receiver” of the claim. Strub explains that each recording unit includes a clock that can be used to generate timestamps to synchronize the recordings made by each of the different recording units. Ex. 1003, 13:52-58. However, the “clocks of different recording units may not be adequately synchronized to enable use of the time-stamps associated with the recordings obtained from different recording units to synchronize those recordings.” *Id.* 79:63-80:2. To provide such synchronization, Strub teaches that the “recording

data”¹ exchanged between recording units may be “temporally synchronized” by transmitting synchronization pulses from a “master recording unit.” *Id.*, 38:29-37.

As explained in the Petition, it would have been obvious from a desirability and simplicity perspective to have the recording unit that is acting as the remote receiver also be the master recording unit that transmits synchronization pulses to synchronize the clocks of the other recording units to its own clock. Pet., 34-35. This satisfies Patent Owner’s proposed claim constructions. The synchronization pulses from the remote receiver (i.e., one of Strub’s recording units acting as the master) comprise a master time reference signal that controls at least one other timecode generator (i.e. the clocks in the other Strub recording units) and this serves to synchronize at least one device (i.e. , those other recording units transmitting their audio to the master recording unit of Strub).

Additionally, the foregoing is consistent with and reinforced by the Woo reference, which teaches that a slave timecode generator can be synchronized to a master timecode generator using a “jam-sync” process, that “forces” a slave

¹ Strub teaches that “recording data” includes audio data. Ex. 1003, 27:45-50, 29:66-30:2, 31:27-34, 32:23-25. In any event, it makes little sense to synchronize the visual recording data but not the corresponding audio recording data, else the audio and video would get out of sync relative to one another. See, *e.g.*, *id.*, 3:25-45 (explaining desirability of synchronizing audio recordings with visual recordings), 80:10-16 (using either the audio or video to synchronize the “recording data” from different recording units, which necessarily indicates that the audio and video are synchronized relative to one another).

timecode generator to follow the time codes from the master timecode generator. Ex. 1004, 3:37-45, 8:60-9:4. Woo is also consistent with Patent Owner's proposed constructions as the master timecodes comprise a time reference signal that is used to synchronize/control the timecode generator of a slave device via a jam-sync process. Pet., 15-17, 32.

Therefore, assuming Patent Owner's claim constructions, a POSA would have found Element 1[A] obvious over Strub and/or the combination of Strub and Woo.

B. “locally generated audio” & “local audio device wearable by a creator of said locally generated audio”

Zaxcom's constructions: (1) limit the audio to the “audio created by the wearer of the local audio device,” which effectively requires that the local audio device actually be worn by the person creating the audio, and (2) add the requirement that the audio “is suitable for use as an independent track of audio.” These extra limitations do not reflect ordinary meaning, and Plaintiff fails to point to any lexicographic definition or disclaimer that justifies such narrowing.

First, apparatus claim 1 merely requires the local audio device to be “wearable by a creator,” not that it actually be worn by the creator. “Wearable” limits the structure of the device whereas actually wearing it comprises an action. In some embodiments local audio device 102 need not be worn, since microphone 312 may be worn instead. Ex. 1001, FIG. 3A, 10:43-47. The specification does not preclude a local audio device worn by one person from receiving audio being created by a

different person, in which case the device is wearable, but the wearer and person generating the audio may be different. Indeed, the device may be “worn by news announcers,” and it is commonly understood that news announcers may interview other persons who speak and generate the audio. *Id.*, 8:59-61.

Second, whether the audio is “suitable for use as an independent track of audio” is an intended purpose or use for the “locally generated audio” rather than the actual meaning of the term itself and is not properly part of the construction. *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 326 F.3d 1215, 1223 (Fed. Cir. 2003). The only references to “independent track of audio” appear at column 12, lines 17-23. But that paragraph does not even mention “locally generated audio” and does not purport to define or restrict the invention generally.

Even under Zaxcom’s construction, Strub teaches these elements. Strub discloses that the recording units may be “worn” by a person “participating in” as opposed to merely “observing” an event. Ex. 1003, Fig. 1, 8:6-26, 11:3-17, Abstract, 1:24-35. Being a participant involves the generation of audio by the wearer. Indeed, Strub discloses participants “singing” Happy Birthday as well as participating in group events such as ping pong, a group hike, and a family trip to an amusement park, wherein the wearer would also be generating audio. *Id.*, 52:19-24, 67:59-68:2, 2:55-65. Strub also describes the wearer participating in solo events like skiing, water skiing, or bicycling, wherein the wearer would be generating the audio for the

recording. *Id.*, 65:10-22, 65:42-47, 67:59-61, 47:33-39. At a minimum, it would have been obvious from the foregoing that the wearer would also generate audio.

In addition, each recording by each different recording unit (local audio devices) is “an independent track of audio” since the recording devices are worn by different people, are not co-located, would receive and record the sound differently, and would therefore be independent. *Id.*, FIG. 1, 8:7-26 (“event can be simultaneously recorded from multiple points of view”). Nothing in the ‘444 specification limits each recording to containing *only* the audio of the wearer or performer. In any event, an individual wearer’s recording made while engaging in a solo activity such as skiing, water skiing, or cycling would be an independent audio track created by just that one person. *Id.*, 67:59-68:2, 65:15-22, 65:42-44, 47:33-39.

C. “local audio device wearable by a creator of said locally...”

Zaxcom’s construction requires that the “local audio device be “suitable to be worn by the performer who creates the audio that is recorded by that performer’s local audio device.” As set forth above, Strub teaches that the person wearing the recorder may be a “participant” in activities such as singing, participating in group events (ping pong, group hike, family trip), and participating in solo activities (skiing, bicycling). Thus, a POSA would understand that the wearer in Strub includes a performer who generates local audio, or at a minimum this would have been obvious.

Dated: August 6, 2025

/ Michael A. Fisher /

Jeffrey B. Plies, reg. no. 46,999

Michael A. Fisher, reg. no. 42,536

DECHERT LLP

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00557 (U.S. Patent 12,051,444)

I caused to be served a copy of the foregoing Reply to Patent Owner's Preliminary Response upon:

ZAXCOM INC., c/o:

Rita Chipperson - rcc@chippersonlaw.com

Morgan Golightly - mdg@chippersonlaw.com

docketing@chippersonlaw.com

Gerard O'Rourke - gorourke@okorlaw.com

Sean O'Kelly - sokelly@okorlaw.com

Laura Carrig - lcarrig@okorlaw.com

via:

Electronic Mail

Patent Owner agreed to have the above-listed counsel accept electronic service of papers filed in this IPR on November 20, 2024, and further in Patent Owner's February 25, 2025 Mandatory Notices. *See* 37 CFR § 42.105(b) ("Upon agreement of the parties, service may be made electronically....").

Dated: August 6, 2025

By: /Michael A. Fisher/
Michael A. Fisher, Reg. No. 42,536
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA19104-2808
Tel: 215-994-2079
Fax: 215-655-2279
michael.fisher@dechert.com